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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

ECK et al.

Atty. Ref.: 723-1458

Serial No. 10/805,243

Group: 3714

Filed: March 22, 2004

Examiner: J. Skaarup

For: GAME MACHINE HAVING WIRELESS COMMUNICATION
CAPABILITY

* * * * *

January 13, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Listed on accompanying Forms PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

Applicants have checked the appropriate boxes below.

1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required. In the event, a first Office Action has been mailed prior to filing of the present Information Disclosure Statement, the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(c) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

c. Attached is our Check in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our Check No. in the amount of \$ in payment of the fee under 37 C.F.R. § 1.17(i).

- a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
4. Relevance of the non-English language document(s) is discussed in the present specification.
 5. The document(s) was/were cited in a corresponding foreign application . An English language version of the foreign search report is attached for the Examiner's information and to provide a concise explanation of the relevance of the non-English-language document(s), if any.
 6. A concise explanation of the relevance of the non-English language document(s) appears below:
 7. The Examiner's attention is directed to co-pending U.S. Patent Application Nos., which are directed to related technical subject matter. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.
 8. Copies of the documents were cited by or submitted to the Office in Application No. , filed , which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

ECK et al.
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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 14-1140 referencing docket number 723-1458.

Respectfully submitted,

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INFORMATION DISCLOSURE

ATTY. DOCKET NO.

SERIAL NO.

CITATION

723-1458

10/805,243

APPLICANT

ECK et al.

(Use several sheets if necessary)

FILING DATE

GROUP

March 22, 2004

3714

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,324,035	06/1994	MORRIS et al.	273	138 A	
	5,347,306	09/1994	NITTA	348	15	
	5,558,339	09/1996	PERLMAN	463	42	
	5,768,382	06/1998	SCHNEIER et al.	380	23	
	5,795,228	08/1998	TRUMBULL et al.	463	42	
	5,879,236	03/1999	LAMBRIGHT	463	42	
	5,956,485	09/1999	PERLMAN	395	200.34	
	5,964,660	10/1999	JAMES et al.	463	1	
	5,971,849	10/1999	FALCIGLIA	463	16	
	5,984,786	11/1999	EHRMAN	463	42	
	5,987,376	11/1999	OLSON et al.	701	201	
	5,999,932	12/1999	PAUL	707	10	
	6,009,458	12/1999	HAWKINS et al.	709	203	
	6,018,766	01/2000	SAMUEL et al.	709	218	
	6,023,729	02/2000	SAMUEL et al.	709	228	
	6,052,372	04/2000	GITTINS et al.	370	396	
	6,061,722	05/2000	LIPA et al.	709	224	
	6,062,991	05/2000	MORIARTY et al.	473	407	
	6,078,948	06/2000	PODGORSKY et al.	709	204	
	6,125,386	09/2000	CHO	709	205	
	6,134,590	10/2000	PERLMAN	709	228	

FOREIGN PATENT DOCUMENTS

TRANSLATION

DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	YES	NO
EP 0 821 536	01/1998	EP				
WO 93/23125	11/1993	WO				

OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

AOL Instant Messenger (SM) Help, 1999, America Online, Inc., Version 3.0.1464, see entire document.
ICQ: A user's guide. Publication [online]. Rose Vines, 1999 [retrieved on 2003-05-08]. Retrieved from the Internet: URL:www.geekgirls.com/net_icq_guide.htm.
FIBS-Original announcement. Publication [online]. Backgammon Galore, 1992-07-19 [retrieved on 2003-05-08]. Retrieved from the Internet: URL:www.bkgm.com/rbg/rbg.cgi?view+229>.
FIBS/W screenshots and help, 1995, Robin Davies, Version 1.35, see entire document.
First Internet Backgammon Server. Publication [online]. FIBS, 1994 [retrieved on 2002-09-17]. Retrieved from the Internet: URL:www.fibs.com/quide.html.
Ad potential driving messaging war. Publication [online]. USA Today, 1999 [retrieved on 2002-09-17], Retrieved from the Internet: URL:www.usatoday.com/life/cyber/tech/ctf683.htm.
For Instant Success, Add Instant Messaging. Publication [online]. Byte.com, 1999 [retrieved on 2002-09-17]. Retrieved from the Internet: URL:www.byte.com/documents/s=215/byt1999111s0010/index.htm.
Instant Messaging Guide. Publication [online]. Viewz.com, 1996 [retrieved on 2002-08-1]. Retrieved from the Internet:URL:www.viewz.com/features/imprint.htm.

*Examiner	Date Considered
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Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Atty. Docket No.

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*Examiner _____ Date Considered _____